IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

LA.App..No. 531 of 2001(C)

LAR.195/1997 of PRINCIPAL SUB COURT, NORTH PARAVUR
.....

APPELLANT: RESPONDENT

STATE OF KERALA

BY GOVERNMENT PLEADER SMT. K.R.DEEPA
ADVOCATE GENERAL

RESPONDENT: CLAIMANT

GOURIKUTTY AMMA, D/O. KAVAMMA,
MANGALATHU VEEDU, KEDAMANGALAM,
NORTH PARAVUR.

BY ADV. SRI.B.RAMACHANDRAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 01/11/2007, ALONG WITH CO NO. 48 OF 2004, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

I.A. 1743 OF 2004
IN
L.A.A. 531 OF 2001-C
.....

DISMISSED

1.11.2007 ID/- KURIAN JOSEPH, JUDGE.

ID/- HARUN-UL-RASHID, JUDGE.

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.531 of 2001-C &
Cross-objection No.48 of 2004

Dated: November 1, 2007

JUDGMENT

Kurian Joseph, J.

This appeal is against the judgment and decree in LAR No.195/1997 on the file of the Sub Court, North Paravur. There is also a cross-objection. The claimant has relied on the judgment in LAR No.253/1997. Except in the matter of road access, the Reference Court has found that the properties are similar and similarly situated. In LAR 253/97 the Reference Court granted enhancement at the rate of 96%. The property therein has road access whereas the property herein has only a private road access. The only dissimilarity being the nature of access, the Reference Court has reduced only 5%. The Reference Court has failed to take note of the locational disadvantage of the property when compared to the property covered by LAR 253/97. It has come out in evidence as extracted by the Reference Court itself that the property is situated away from the property in LAR 253/97. The latter is close to KMK Junction whereas the former is about ½ k.m. away from that place. Since in LAR 1531/2000 this court has held that the claimants of similarly situated properties are entitled for 60% enhancement, we partly allow the appeal by the State, modifying the judgment and decree and holding that the respondent/claimant shall be entitled only to enhancement at the rate

of 60% over and above the value fixed by the land acquisition officer. We also allow the cross-objection clarifying that the claimant shall be entitled to all the statutory benefits including interest on solatium.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE.

mt/-

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.No.531 of 2001-C
&
Cross-objection No.48 of 2004

JUDGMENT

1.11.2007